

Amendment No. 1 to SB0113

Gresham
Signature of Sponsor

AMEND Senate Bill No. 113

House Bill No. 130*

by deleting Section 1 of the printed bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 5, Part 6, is amended by deleting the part in its entirety and by substituting instead the following:

49-5-601. As used in this section, unless the context otherwise requires:

(1) "Professional employee" means any person employed by any local education agency in a position that requires a license issued by the department of education for service in public elementary and secondary schools of this state, supported in whole or in part, by local, state or federal funds; and

(2) "Strike" means the failure with others to report for duty, the willful absence from one's position, the stoppage of work or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment, and without the lawful approval of one's superior; or in any manner interfering with the operation of the public school system, for the purpose of inducing or coercing the recognition of any employee organization or a change in the conditions or compensation or the rights, privileges or obligations of employment.

49-5-602. It is unlawful for any professional employees' organization or its representatives or any professional employee to engage in a strike or to urge, coerce or encourage others to engage in a strike.

49-5-603.

(a)

(1) If a strike occurs, the local education agency may apply to the chancery court of the county to enjoin the strike. The application shall set forth the facts constituting the strike.

(2) If the court finds, after a hearing, that a strike has occurred, the court may enjoin the organization or its representatives or any professional employee from engaging in the strike or urging, coercing or encouraging others to engage in the strike.

(b) When the local education agency has determined which employees engaged in or participated in the strike, those employees may be subject to dismissal or forfeiture of their claim to tenure status, if they presently have attained tenure, and the employees may revert to probationary teacher status for the next three-year period. Any employees who engaged in or participated in the strike but who are not tenured teachers may also be subject to dismissal.